

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE COUNTY ENVIRONMENTAL  
COALITION, PENNENVIRONMENT,  
INC. and THE GAIA DEFENSE LEAGUE,  
Plaintiffs

v.

MILLCREEK TOWNSHIP SEWER  
AUTHORITY AND MILLCREEK  
TOWNSHIP,  
Defendants

CIVIL ACTION NO. 05-59 ERIE  
ELECTRONICALLY FILED

JUDGE COHILL

**THIRD SUPPLEMENTAL  
AFFIDAVIT OF GEORGE W. RIEDESEL**

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
COUNTY OF ERIE )

I, GEORGE W. RIEDESEL , first being duly sworn on oath and under penalty of perjury,  
hereby states as follows:

1. It has been 31 months (September 2004 - April 2007) since there has been an  
overflow at any of the following three manhole areas: (1) 51st and 52nd Streets and Zimmerly  
Road; (2) Larchmont and Beaver Streets; and (3) Church and Patton and Pershing Streets.

2. As of March 19, 2007, the contractor completed construction of the two overflow  
retention tanks at the Kearsarge Pump Station, and the tanks were operational as of that date.

3. Exhibit 1 attached hereto contains true and correct copies of a photograph taken on April 26, 2007, showing the completed construction of the two storage tanks and several photographs of the completed storage tanks taken while filling the tanks on March 28, 2007.

4. MTSA and Millcreek Township also successfully completed the removal of the overflow mechanism at the Kearsarge Pump Station on March 19, 2007, prior to the April 25, 2007 completion date in the 2003 COA.

5. Exhibit 2 attached hereto is a true and correct copy of photographs taken on March 19, 2007, showing the removal of the overflow mechanism at the Kearsarge Pump Station.

6. The overflow retention tanks and accompanying improvements to the Kearsarge Pump Station were operational on or before March 26, 2007, as required by the 2003 COA, and the overflow was removed on or before April 25, 2007, as required by the 2003 COA.

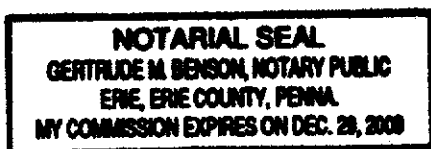
7. With the completion of the two retention tanks and the removal of the overflow mechanism at the Kearsarge Pump Station, MTSA and Millcreek have eliminated the cause of the overflows at the Kearsarge Pump Station identified by Plaintiffs in their Complaint, and there is no reasonable likelihood that overflows at the Kearsarge Pump Station will recur.

8. The completion of the two retention tanks and the removal of the overflow fully addressed the chief concern of potential discharges from Kearsarge that was raised by Plaintiffs in their April 4, 2007 Response.

George W. Riedesel  
George W. Riedesel

Sworn to and subscribed before me  
this 27th day of April, 2007.

Gertrude M. Benson  
Notary Public



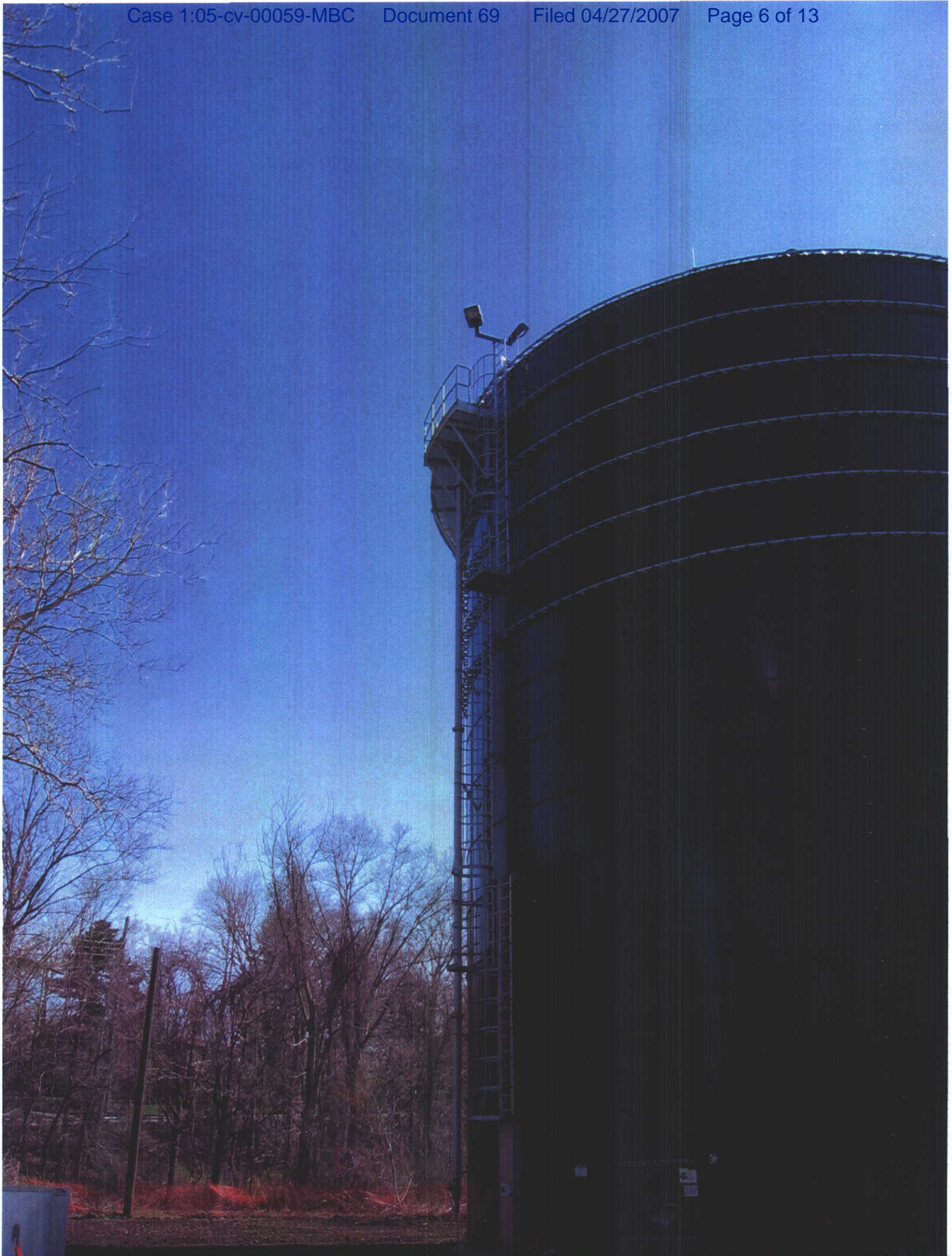
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## **EXHIBIT 1**



Exhibit 1















## **EXHIBIT 2**

